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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,506	03/23/2004	Kevin Jump	JUMP 0101 PUS	3405
22045 7590 04/16/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER MARSH, STEVEN M				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,506

Applicant(s)

JUMP, KEVIN

Examiner

STEVEN M. MARSH

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-17 is/are pending in the application.
4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
5) ☒ Claim(s) 13-17 is/are allowed.
6) ☒ Claim(s) 1, 9 and 10 is/are rejected.
7) ☒ Claim(s) 4-8 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This is the seventh office action for U.S. Application 10/807,506 for a Hanging Adjustable Mount filed on March 23, 2004. Claims 1, 2, and 4-17 are pending. Claims 11 and 12 are withdrawn.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,006,443 to Siler. Siler discloses an adjustable mounting comprising a generally disc shaped mounting element (85) with an eccentrically located hole (88) extending therethrough, the disc having a circumferential perimeter and a generally planar back surface. There is a threaded fastener (60) extending substantially normally to the back surface and passing through the hole (88) in the mounting element. The threaded fastener is adapted to be rotated to be advanced into the wall and tightened against the mounting element to press the element against a surface of a wall to a selective degree to create a sufficient frictional force acting between the surface of the wall and the back surface of the mounting element to prevent rotation of the mounting element about the fastener or to be selectively loosened to allow rotation of the mounting element on the fastener while the mounting element back surface is held in a position against the wall.

There is a circumferentially extending engagement feature (87) on the mounting element perimeter that comprises a bottom of a groove, engageable at points about its

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circumference with a hanging support attached to the object to be mounted thereon. The feature located eccentrically with respect to the hole and the threaded fastener so as to be shifted vertically when the mounting element is rotated about the threaded fastener. The mounting element would be freely rotatable about the threaded fastener when positioned thereby against a wall surface with the fastener loosened sufficiently to reduce the frictional force acting between the surface of the wall and the mounting element back surface to thereby shift a point of engagement between the engagement feature and the hanging support along the circumference of the feature and to thereby vertically shift the point of engagement of the feature with the hanging support to a desired vertical position on the wall. The mounting element thereafter able to be frictionally held against the wall's surface in the desired vertical position to be non-rotatable by tightening of the threaded fastener against the mounting element to create the frictional force acting between the mounting element back surface and the wall surface sufficient to prevent rotation of the mounting element on the fastener with the object held thereon by the hanging support. Claim 1 contains limitations to the wall relative to the mounting and to the object that the mounting supports, but those features are not positively recited in the claims and therefore the mounting need only be capable of meeting the limitations. The element can be engaged against the front surface of a wall and the groove can be spaced apart from a wall to define an arcuate zone of engagement between the groove and the support.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silas. Silas does not directly disclose the groove as having continuous flared sides extending about the perimeter of the mounting element. However, the specific angle of the sides around the groove (flared side would only require that the sides extend at an angle greater than 90 degrees) of Silas are a matter of design preference that would have been obvious to one of ordinary skill in the art at the time of the present invention. Silas also fails to disclose counterbores at each end of the hole. However, Silas provides a teaching of a counterbore (at 32) for providing a flush joint for a fastener. It would have been obvious to one of ordinary skill in the art at the time of the present invention, to have provided a counterbore on each end of the hole for providing flush joints (for the fastener and a nut, as shown in figure 8), as is well known in the art.

Allowable Subject Matter

Claims 13-17 are allowed. Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed November 8, 2007 have been fully considered but they are not persuasive. Applicant argues that Siler's adapter has a back surface that is received within an opening, rather than having a back surface that engages a front surface of the wall. However, the wall is not positively recited in the claim. The adapter only has to be capable of being engaged to a front surface of the wall, which the adapter can do. Applicant also argues that the groove is not spaced apart from the wall, but again, the wall is not positively recited in the claim, and the groove of Siler could be spaced apart from a wall depending on the configuration.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/S. M. M./

Examiner, Art Unit 3632

Steven M. Marsh

April 11, 2008

/Korie H. Chan/
Korie H. Chan
Primary Examiner
Art Unit 3632